



PHA 4162.3 (C-3204/2/US)
PATENT

Express Mail Label No. EV 696399186 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Michael S. South et al. Art Unit 1624
Serial No. 09/717,051
Filed November 20, 2000
Confirmation No. 2191
For SUBSTITUTED POLYCYCLIC ARYL AND HETEROARYL URACILS USEFUL
FOR SELECTIVE INHIBITION OF THE COAGULATION CASCADE
Examiner: Deepak R. Rao

June 16, 2005

PETITION FOR APPLICATION FOR PATENT
TERM ADJUSTMENT PURSUANT TO 37 CFR § 1.705(b)

TO THE COMMISSIONER OF PATENTS,
SIR:

In response to the Notice of Allowance dated May 23, 2005, in the above-referenced patent application, applicants respectfully request reconsideration of the patent term adjustment determination. Pursuant to 37 CFR § 1.705(b) and/or (d), applicants submit the following statement of facts in support of this request for reconsideration.

The application was filed on November 20, 2000. The first Office action (restriction requirement) was mailed on April 28, 2004, which is eight-hundred twenty-nine (829) days after the fourteen (14) month due date for the mailing of a first Office action on the merits. The response to the first Office action was filed on May 20, 2004, which is within the three (3) month shortened statutory period for response. The second Office action was mailed on August 11, 2004, which is within the four (4) month period for reply by the Office. The response to the second Office action was filed on December 13, 2004, which is thirty-two (32) days after the three (3) month shortened statutory period for response. The third Office action (a final Office action) was mailed on March 29, 2005, which is within the four (4) month period for reply by the Office.

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The response to the final Office action was filed on April 21, 2005, which is within the three (3) month shortened statutory period for response. The Notice of Allowance was mailed on May 23, 2005, which is within the four (4) month period for reply by the Office, and indicated that the subject application was entitled to a patent term adjustment of one-hundred forty-eight (148) days.

Based upon the above-recited facts, the delay on the part of the Office was 829 days. The delay on the part of applicants was 32 days. The result is a patent term extension of 797 days, or 649 days greater than the patent term adjustment indicated in the Notice of Allowance.

An attempt was made by the undersigned to review the Patent Application Information Retrieval (PAIR) database regarding the subject application, however according to the PAIR database the Application Number "09/717,051" (the serial number of the subject application) is unavailable. As such, applicants are unable to determine how the Office arrived at a patent term extension of 148 days.

Absent evidence to the contrary, applicants believe that the patent term adjustment should be increased by 649 days [representing the period from 14 months after the November 20, 2000 filing to the first Office action dated April 28, 2004 and minus applicants delay of 32 days in responding to the second Office action]. This correction should bring the total patent term adjustment to 797 days. Applicants respectfully request a correction in the patent term adjustment to reflect the same. Alternatively, applicants respectfully request additional information regarding how the Office arrived at a patent term extension of 148 days.

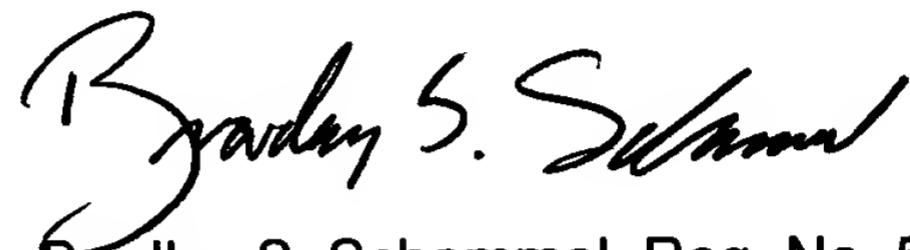
A terminal disclaimer was not filed in this case.

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* A check in the amount of \$200.00 is enclosed to pay for the fee under 37 CFR § 1.18(e). Please charge any under payment or credit any overpayment to deposit account No. 19-1345.

Respectfully submitted,



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BSS/vlm
*Enclosure

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